

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BRITTANY DAWN BURGE,

Plaintiff,

v.

MATTHEW NATHAN SWANN and S3
FOODS, a Utah Limited
Liability Company,

Defendants.

**REPORT AND RECOMMENDATION
AND REQUEST FOR
REASSIGNMENT**

Case No. 2:08-CV-301-SA

Magistrate Judge Samuel
Alba

This case was assigned to United States Magistrate Judge Samuel Alba in April 2008. (Docket Entry #1.) Plaintiff has not filed anything in this case since filing her Complaint.

On November 10, 2008, the court issued an Order to Show Cause, instructing Plaintiff to respond within thirty days why her complaint should not be dismissed for failure to prosecute. (Docket Entry #3.) Plaintiff has not responded to that order. Because consent to assignment to a magistrate judge has not been completed, the magistrate judge lacks authority to dispose of the case.

REQUEST FOR REASSIGNMENT

The magistrate judge requests that the case be reassigned to a district judge.

REPORT AND RECOMMENDATION

The magistrate judge recommends the case be dismissed for failure to prosecute and failure to respond to the Order to Show Cause.

Copies of the foregoing Report and Recommendation are being mailed to the parties who are hereby notified of their right to object to the same. The parties are further notified that they must file any objections to the Report and Recommendation, with the clerk of the district court, pursuant to 28 U.S.C. § 636(b), within ten (10) days after receiving it. Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

DATED this 16th day of December, 2008.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written above a horizontal line.

SAMUEL ALBA
United States Chief Magistrate Judge